

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
Civ. No. 1:19-cv-00195-FDW

PAMELA S. MATTHEWS, )  
 )  
Plaintiff, )  
 )  
v. )  
ANDREW M. SAUL, )  
Commissioner of Social Security,<sup>1</sup> )  
 )  
Defendant. )

**ORDER**

THIS MATTER is before the Court on the Consent Motion to Remand, (Doc. No. 12), and Amended Motion to Remand, (Doc. No. 13), filed by the parties. Defendant, Andrew Saul, Commissioner of Social Security, has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing his decision with a remand of the case for further administrative proceedings. The Commissioner wishes to conduct further fact finding, including holding a new hearing before a different administrative law judge (ALJ). Plaintiff's counsel consents to the Defendant's Motion for Remand.

The Court GRANTS the Amended Motion (Doc. No. 13). Pursuant to the power of this Court to enter a judgment reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), this Court hereby REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the case to the Commissioner for further proceedings, including a new hearing before a different ALJ. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991). All other

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<sup>1</sup> Andrew M. Saul is now the Commissioner of Social Security and is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d). See also section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), which states that the action survives notwithstanding any change in the person occupying the office of Commissioner of Social Security.

pending motions are hereby DENIED AS MOOT. The clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure and CLOSE THE CASE.

IT IS SO ORDERED.

Signed: January 16, 2020

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

